

UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,136	07/26/2001	Ricardo Rocha	S03357/1/US	8218
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PHARMACIA CORPORATION GLOBAL PATENT DEPARTMENT POST OFFICE BOX 1027			EXAMINER	
			WANG, SHENGJUN	
ST. LOUIS, M	O 63006		ART UNIT	PAPER NUMBER
		·	1617	17
			DATE MAILED: 07/02/2003	' (

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application Appli			Application No.	Analicant(e)
## Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE of this c mmunication appears on the c ver sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extensions of them may be available under the provisions of 37 CFR 1.38(a). In no event, however, may a reply be timely filled 1 the period for eaply specified above. The maximum statistry period wit apply and will easier SV. (8) MONTH is from the making date of the communication of the provision of the provis	٦.		Application No.	Applicant(s)
Shengjin Wang 1617	Office Action Summary			
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of the may be variable under the provisions of 37 CPR 1.13(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the malling date of this communication. If the proofs or reply swelfine the set or extended period for reply welfine the set of			ears on the c ver s	heet with the correspondence address
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Application/Control Number: 09/916,136

Art Unit: 1617

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-2, 11-71, drawn to method of treating or preventing inflammation associated disorders, wherein the etiologies of the inflammation are defined in claim 2, classified in class 514, subclass 169+.
 - II. Claims 1, 3-71, drawn to method of treating or preventing inflammation associated disorders, wherein the disorder is cardiovascular disorders, classified in class 514, subclass 169+.
 - III. Claims 1, 8-71, drawn to method of treating or preventing inflammation associated disorders, wherein the disorders are other than those defined in groups I and II, classified in class 514, subclass 169+.
- 1. Inventions I -III are unrelated from each other. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different function and different effects. Particularly, they are directed to method of treating distinct disorders. They differ with respect to the patients and final results. They therefore have different issues regarding patentability and enablement and represent patentable distinct subject matter.

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2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 4. Claims 1-71 are generic to a plurality of disclosed patentably distinct species comprising a) various therapeutical agent employed in the method; and b) various disorders treated in the method. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each of the groups, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang, Ph.D. whose telephone number is (703) 308-4554. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (703) 305-1877. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Patent Examiner

Shengjun Wang

June 26, 2003